

Minutes of the Land Use, Parks and Environment Committee - March 15, 2005

The meeting was called to order at 8:48 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Kathleen Cummings, Pauline Jaske, Scott Klein (arrived at 9:00 a.m. and excused at 11:17 a.m. for other county business), Bill Kramer, Vera Stroud (arrived at 8:50 a.m.); **Absent:** Daniel Pavelko

Staff Present: Legislative Policy Advisor Mark Mader, Legis. Associate Sandra Meisenheimer

Also Present: Land Resources Mgr. Perry Lindquist, Planning & Zoning Mgr. Dick Mace, County Clerk Kathy Nickolaus, Register of Deeds Mike Hasslinger, Programs and Projects Analyst Rob Dunn, Senior Financial Analyst Andy Thelke

Approve Minutes of March 1, 2005

Motion: Kramer moved, second by Cummings, to approve the minutes of 3/1/05. **Motion carried 4 – 0.**

Read Correspondence

1. A letter from Joy Ackerman and an email from Mike Breaker regarding the North Lake Boat Launch (opposition to purchase of Kraus property by DNR; support for purchase of Kuchler property).
2. Pauline Jaske, a member of the Waukesha County Mineral Extraction Advisory Committee, gave a brief report of the last meeting on March 9, 2005. They met to discuss suggestions for Smart Growth. One of the main things is to have a 1½ mile overlay district and continuity with all the various bodies (towns, cities, villages). This will be submitted to the sub-committee for Smart Growth. The 1½ mile overlay says whenever there is mining in a community there is notification of anyone owning property within the 1½ miles that there is a deed restriction.

Consider Proposed Ordinance: 159-O-127 Amend Chapter 14 of the Waukesha County Code of Ordinances by Repealing and Recreating Storm Water Mgt. and Erosion Control Section

Lindquist gave a power point on “Storm Water Management and Erosion Control – County Ordinance Update.” Stroud asked how long have you been working on this? Lindquist said we started last August of 2004. There is an ordinance on the books, but basically they started over because of so many changes. Lindquist went on to explain the following areas: Construction Site Erosion, Storm Water (post construction), Urban Lands (Fox River Watershed), Why Revise Ordinance? and Ordinance Background.

Lindquist explained the Ordinance Revisions in detail: Added Purpose and Intent; Clarified “Jurisdiction”; Clarified triggers for permit; Clarified “Applicant” (“Permit Holder”); May require digital submittals; Exemptions for duplication permits; Technical exemptions (biggest changes in this area); Links to planning/zoning processes; Guiding principles for erosion control and storm water planning; Guiding principals for erosion control; New erosion control requirements; Guiding principals for storm water; New storm water requirements; Permit conditions; Clarified permit issuance, duration and transfer; and Added permit termination (end of process). Lindquist continued on with Implementing approved plans (Financial assurance release conditions) and went back to review more Ordinance Revisions: Clarified soil evaluation requirements; Added inspection plan requirement; Added illicit discharge section; Added citation authority; and BMP Maintenance Agreement. In conclusion, Lindquist went over the Process: Ordinance adoption in March/April; Updates to ordinance materials; Applies to all 2005 projects; and Intergovernmental agreements.

Motion: Kramer moved, second by Stroud, to approve Ordinance 159-O-127.

Stroud asked for clarification on Page 19, Lines 855, 856, and 857 – “Note: The LRD has determined that it is difficult and/or costly to avoid adverse impacts to other property and the environment to construct new roads with grass swales after standard seeding deadlines for cool season grasses.” Lindquist explained what the note means and said he can clarify this in the technical guidelines. Stroud also asked about Page 24, Line 1071: “11. Waste Material.”

Regarding new building, she would like to see the following added: “To the maximum extent possible, waste and unused building materials will be recycled in a timely manner.” Klein stated that doesn’t fit in this ordinance which deals with storm water management and erosion control.

Regarding Page 38, Lines 1800 and 1835: “E. Subsurface drainage,” Stroud referred to “basement floor surfaces shall be built one foot above the seasonal high water table elevation, and “The lowest elevation of the structure that is exposed to the ground surface shall be a minimum of two feet above the maximum water elevation”. Lindquist said that is about two different water elevations with the first being a ground water elevation and second a storm water basin elevation. Moving onto Page 45, Line 2155 regarding 4. Average Annual rainfalls, Stroud questioned why 1969 is being used as the typical annual rainfall pattern for Waukesha County. Lindquist said this is purely a statistical analysis of annual rainfalls. The model that this is referring to takes into account every discharge from every rainfall that occurs throughout the year. This year happens to meet the average.

Lindquist distributed and reviewed “Amendments to the Following Ordinance Based on Public Hearing Comments: Amend Chapter 14 of the Waukesha County Code of Ordinances by Repealing and Recreating Storm Water Management and Erosion Control Section.” He said these are all minor, editorial corrections. The amendments will be white-copied to the County Board for the meeting of 3/22/05.

Motion: Kramer moved, second by Jaske, to approve the amendments as presented on the attachment.

Jaske asked for clarification on Page 2 of the ordinance, #22. and asked why highway projects are being exempted. Lindquist replied that the DOT is exempt whether we agree or not. Jaske said this should be pointed out to the legislators to make them aware of the impact. **Motion carried 6 – 0.**
On the motion as amended, carried 6 – 0.

Consider Proposed Ordinance: 159-O-128 Amend the District Zoning Map of the Town of Mukwonago Zoning Ordinance by Rezoning Certain Lands Located in Part of the W ½ of the NW ¼ of Section 14, T5N, R18E, Town of Mukwonago, Waukesha County, Wis., from the A-1 Agricultural District to the R-1 Residential and R-H Rural Home Districts (ZT-1563)

Mace pointed out the location of the property, which is located on the east and west sides of STH 83, south of Sugden and Frog Alley Roads and contains approximately 77 acres. The proposed land use is for a 16-lot subdivision. The Planning staff is recommending approval in accordance with the Ordinance adopted by the Town of Mukwonago Board since as conditioned all of the issues are being addressed.

Motion: Kramer moved, second by Cummings, to approve Ordinance 159-O-128. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 159-O-129 Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map of the Town of Oconomowoc, by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ of Section 36, T8N, R17E, Town of Oconomowoc, from R-3 Residential District to B-2 Local Business District (SZ-1559)

Mace explained the rezoning amendment, which the proposed land use is for an existing detached garage on the subject property to be converted to a bait and tackle shop. **Motion:** Klein moved, second by Kramer, to approve Ordinance 159-O-129.

Mace stated this property is adjacent to an old gravel pit which is now a private lake. There are three conditions as outlined in the ordinance and staff recommendation. The Planning staff is recommending approval as the request is in conformance with the Waukesha County Development Plan and the Town of Oconomowoc Land Use Plan. Nickolaus showed a site plan of her house and detached garage. There was a discussion regarding Condition #1: "Subject to the proposed use of the property being limited to a bait and tackle shop and single-family residential use only with no access to the lake for commercial purposes. Any other uses of the property shall require the petitioner to amend the zoning district to allow said new use."

Nickolaus said the county put in Condition #1 whereas the Town of Oconomowoc did not require it. She stated at times, a person might want to go down to the lake and try out a lure, but she won't be able to allow that with this condition in place. She said she is not asking to rent boats out, etc. Nickolaus asked shouldn't Condition #1 be part of the site plan and plan of operation? Mace suggested sending this back to the Park and Planning Commission.

Motion: Stroud moved, second by Cummings, to refer Ordinance 159-O-129 back to the Park and Planning Commission. **Motion carried 5 – 1; Kramer voting no.**

Consider Proposed Ordinance: 159-O-130 Amend the Town of Vernon District Zoning Map of the Waukesha County Zoning Code for the Town of Vernon by Rezoning Certain Lands Located in Part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon, from the R-1 Residential District to the B-3 General Business District (CZ-1561)

Mace stated that the Planning staff is recommending denial on the basis that Waukesha County cannot approve the request without the Town's approval. The rezoning request is inconsistent with both the Town of Vernon and Waukesha County Development Plans.

Motion: Cummings moved, second by Jaske, to approve Ordinance 159-O-130. **Motion defeated 0 – 6.**

2004 Annual Report of the Register of Deeds Office

Hasslinger and Dunn presented the Annual Report. Hasslinger stated that Total Recording Fees in 2004 were \$1,443,214 and Total Copy Fees in 2004 were \$237,354.22. The Transfer fees represent the fact that there were \$3 billion in sales in Waukesha County last year; therefore, \$7.5 million was sent to the State and the county retained \$1.8 million. He also covered other statistics, such as State Portion of Birth Record Fee (\$47,355); Land Information Program (County portion - \$612,065; State portion - \$244,826); and Activities such as deeds and land contracts recorded in 2004, mortgages recorded in 2004, and certified survey maps recorded. Graphs supporting the statistics presented were also discussed.

Klein was excused at 11:17 a.m. for other county business.

Motion: Kramer moved, second by Cummings, to approve the 2004 Annual Report of the Register of Deeds Office. **Motion carried 5 – 0.**

Motion to adjourn: Kramer moved, second by Cummings, to adjourn the meeting at 11:20 a.m.
Motion carried 5 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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